

THURSTON COUNTY BOARD OF SUPERVISORS, Appellant v. ABERDEEN AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	: Order Affirming Decision : : : : Docket No. IBIA 99-94-A : : : February 14, 2000
---	---

Appellant Thurston County Board of Supervisors sought review of a July 16, 1999, decision of the Aberdeen Area Director, Bureau of Indian Affairs (Area Director), stating the intention to take eight tracts of land into trust status for the Winnebago Tribe of Nebraska. The tracts are identified as the Dunn property; the Kaup property; the Nebraska Churches of God property; the Pollock property; the Skow I and II properties; the St. Augustine property; and the Lot 5, Winnebago Village, property. For the reason discussed below, the Board of Indian Appeals (Board) affirms that decision.

Appellant's notice of appeal merely stated its intention to appeal and listed the tracts that were at issue. Appellant was advised of its right to file a brief and of its responsibility to show the error in the decision from which it was appealing. Appellant notified the Board that it would not file an opening brief. 1/ No other briefs were filed in this appeal.

The Board has consistently held that an appellant who fails to make any allegation concerning how an Area Director's decision is in error, let alone any argument in support of such an allegation, has not carried its burden of proof. Thurston County Board of Supervisors v. Aberdeen Area Director, 33 IBIA 154 (1999), and cases cited therein. Appellant has not carried its burden of proof here.

1/ Similarly, Appellant's notices of appeal to the Area Director did not set out any objections to the trust acquisitions, and Appellant did not file a statement of reasons.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Area Director's July 16, 1999, decision is affirmed.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge